

MEMO ENDORSED
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THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

STEVE STAVERDIS
Special Federal Litigation Division
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December 17, 2007

BY HAND

Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street -- Room 650
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: **12/18/07**

Re: Steed et al. v. City of New York et al., 07 CV 9839 (RMB)

Your Honor:

I am the attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant The City of New York (the "City") in the referenced action. I am writing to request an enlargement of the City's time to answer or otherwise respond to the complaint from December 17, 2007 to February 18, 2008.¹ I have conferred with plaintiffs' attorney concerning this request and he has consented to the extension.

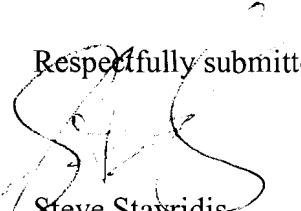
This office seeks the extension for several reasons. This case is based on allegations that plaintiffs, *inter alia*, were falsely arrested and maliciously prosecuted for offenses they did not commit. In order to properly respond to these allegations, this office must obtain the official records concerning plaintiffs' arrests. However, since the charges against plaintiff were allegedly dismissed, their arrest records are likely sealed pursuant to New York Criminal Procedure Law § 160.50 and therefore not obtainable without his written consent. The extension will afford the City time to secure the arrest records so that it could properly address the allegations contained in plaintiff's complaint.

¹ Upon information and belief, defendant Police Officers Tony Leon, John Fishetti, James Smith and Jonathan Hernandez have not been served with process as of this writing and so this application is only made on the City's behalf. In the event, however, that Mr. Ramirez is subsequently served with process, we request that their time to answer be similarly extended for the reasons stated herein.

Additionally, the defendant police officers have been served with process as of this date. The enlargement will afford plaintiffs additional time to serve this officer and, presuming they are in fact timely served, allow this office time to conduct an inquiry to determine whether it could represent the officers in this case. See General Municipal Law § 50(k); Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous requests for an extension has been made by either party. Accordingly, we respectfully request that the Court grant the City's application to extend its time to answer or otherwise respond to the complaint from December 17, 2007 to February 18, 2008.

Respectfully submitted,


Steve Stavridis
Special Federal Litigation Division

<u>Extension to Jan 22 '08</u>	
<u>granted, Conference adjourned</u>	
<u>to 1/28/08 at 9:15 AM</u>	
SO ORDERED	
Date:	<u>12/19/07</u>
<u>Richard M. Berman</u>	
Richard M. Berman, U.S.D.J.	

cc: Brett Klein, Esq. (by fax)